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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 14, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 07od-187

Oahu

Grant of Term, Non-Exclusive Easement to AT&T, Corp. for
Telecommunication Lines Purposes; Issuance of a Construction
and Management Right-of-Entry; Keawaula, Waianae, Oahu, Tax
Map Key: 8-1-01:07, 08 (and seaward) and 18.

APPLICANT:

AT&T Corp., a Delaware corporation, whose business and mailing
address is 900 Fort Street Mall, Suite 1800, Honolulu, Hawaii
96813.

LEGAL REFERENCE:

Section 171-13 & 53, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waianae situated at Keawaula,
Waianae, Oahu, identified by Tax Map Key: 8-1-01:07, 08 plus
seaward and 18 as shown on the attached map labeled Exhibit A.

AREA:

24.436 acres, more or less.

ZONING:

State Land Use District: Conservation
City & County of Honolulu LUO: P-1 Restricted Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO x

CURRENT USE STATUS:

The subject location is encumbered by various leases and they are all for telecommunication transmission purposes:

GL 5104 to American Telephone and Telegraph, 46-year term
(4/28/83 to 4/27/2029)

GL 5509 to AT&T Submarine Systems, Inc. 65-year term (10/28/94 to 10/27/2059) and

GL 5555 to American Telephone and Telegraph, 37-year term
(9/25/92 to 9/24/2029)

CHARACTER OF USE:

Right, privilege and authority to install, operate, maintain, and repair the telecommunication lines across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

EASEMENT TERM:

Thirty-five (35) years.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Conservation District Use Application OA-3440 was approved by the Board on February 22, 2008.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine a one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Process and obtain subdivision approval at Applicant's own cost.

REMARKS:

AT&T Corp. (AT&T) is requesting to install two (2) submarine fiber optic cables that will be laid on the sea floor until it reaches the near shore area at Kaena State Park where it will then be buried along with the existing cables used by other AT&T fiber optic cables to reach the existing cable station. These fiber optic cables will be replacing the existing AT&T cables that are reaching the end of their service life to serve between Guam, Hawaii and California.

The following agencies responded to the Office of Conservation and Coastal Lands during the CDUA process and the applicant provided responses to all of the comments: Office of Hawaiian Affairs, Department of Land and Natural Resources, Divisions of Conservation and Resource Management, Engineering, Forestry and Wildlife (no comments), State Parks, City and County of Honolulu, Department of Planning and Permitting and the Waianae Neighborhood Board.

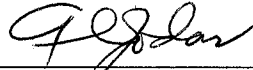
The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the applicant requirements listed above, authorize the issuance of a thirty-five (35) year term non-exclusive easement to AT&T, Corp. covering the subject area for telecommunication transmission purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
 - D. Applicant shall comply with all of the conditions stated in the CDUP OA-3440 as approved by the Board on February 22, 2008.
2. Authorize the issuance of a construction and management right-of-entry to remain in effect until the easement document is executed, subject to the following:

- A. The standard terms and conditions of the most current management right-of-entry form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



